

Coyne	Kennedy	Paul
Crowley	Kilpatrick	Payne
Cummings	Klecza	Pelosi
Davis (FL)	Kucinich	Pickett
Davis (IL)	LaFalce	Porter
DeGette	LaHood	Rangel
Delahunt	Lee	Rivers
DeLauro	Levin	Rothman
Deutsch	Lewis (GA)	Roybal-Allard
Diaz-Balart	Lofgren	Rush
Dingell	Lowe	Sanders
Dixon	Maloney (CT)	Scarborough
Doggett	Maloney (NY)	Schakowsky
Doolittle	Manzullo	Scott
Ehrlich	Markey	Serrano
Eshoo	McCrery	Sherman
Farr	McDermott	Slaughter
Fattah	McGovern	Snyder
Filner	Meehan	Stark
Foley	Meek (FL)	Strickland
Forde	Meeks (NY)	Thompson (CA)
Frank (MA)	Menendez	Tierney
Gejdenson	Millender	Udall (CO)
Gilman	McDonald	Udall (NM)
Gonzalez	Miller, George	Velazquez
Gutierrez	Mink	Vento
Hastings (FL)	Moakley	Vitter
Hoefel	Morella	Waters
Holt	Nadler	Watt (NC)
Hoyer	Napolitano	Waxman
Jackson (IL)	Neal	Weiner
Jackson-Lee	Olver	Wexler
(TX)	Owens	Weygand
Johnson, E. B.	Pallone	Woolsey
Jones (OH)	Pastor	

NOT VOTING—8

Brown (CA)	Johnson, Sam	Shays
Carson	Minge	Thomas
Houghton	Salmon	

So the amendment was agreed to.

¶66.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCHAFFER:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered—through grants by Office of Juvenile Justice and Delinquency Prevention.

(2) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(3) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(4) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(5) Whether the agency has acted outside the scope of its original authority, and

whether the original objectives of the agency have been achieved.

(6) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(16) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public, not later than October 1, 2003.

**SEC. 4. CONTINGENT WIND-DOWN AND REPEAL OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.**

If funds are not authorized before October 1, 2004, to be appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611–5676) for fiscal year 2005, then—

(1) effective October 1, 2004—

(A) sections 205, 206, and 299, and

(B) parts B, C, D, E, F, G, H, and I,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed, and

(2) effective October 1, 2005—

(A) the 1st section, and

(B) titles I and II,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed.

It was decided in the { Yeas ..... 364  
affirmative ..... Nays ..... 60

¶66.25 [Roll No. 230]

AYES—364

Abercrombie	Dreier	Latham
Aderholt	Duncan	LaTourette
Andrews	Dunn	Lazio
Archer	Edwards	Leach
Armey	Ehlers	Lewis (CA)
Bachus	Ehrlich	Lewis (KY)
Baird	Emerson	Linder
Baker	Engel	Lipinski
Baldacci	English	LoBiondo
Baldwin	Etheridge	Lofgren
Ballenger	Evans	Lucas (KY)
Barcia	Everett	Luther
Barr	Ewing	Maloney (NY)
Barrett (NE)	Fletcher	Manzullo
Barrett (WI)	Foley	Markey
Bartlett	Forbes	Martinez
Barton	Ford	Mascara
Bass	Fossella	Matsui
Bateman	Fowler	McCarthy (MO)
Bentsen	Franks (NJ)	McCarthy (NY)
Bereuter	Frelinghuysen	McCollum
Berkley	Frost	McCrery
Berry	Gallegly	McDermott
Biggert	Ganske	McGovern
Bilbray	Gejdenson	McHugh
Bilirakis	Gekas	McInnis
Bishop	Gephardt	McIntosh
Blagojevich	Gibbons	McIntyre
Bliley	Gilchrest	McKeon
Blumenauer	Gillmor	McKinney
Blunt	Goode	McNulty
Boehner	Goodlatte	Meehan
Bonilla	Goodling	Metcalf
Bonior	Gordon	Mica
Bono	Goss	Miller (FL)
Borski	Graham	Miller, Gary
Boswell	Granger	Moakley
Boucher	Green (TX)	Mollohan
Boyd	Green (WI)	Moore
Brady (PA)	Gutierrez	Moran (KS)
Brady (TX)	Gutknecht	Moran (VA)
Brown (FL)	Hall (OH)	Murtha
Brown (OH)	Hall (TX)	Myrick
Bryant	Hansen	Napolitano
Burr	Hastings (WA)	Neal
Burton	Hayes	Nethercutt
Buyer	Hayworth	Ney
Callahan	Hefley	Northup
Calvert	Herger	Norwood
Camp	Hill (IN)	Nussle
Campbell	Hill (MT)	Oberstar
Canady	Hilleary	Obey
Cannon	Hilliard	Ortiz
Capps	Hinojosa	Ose
Capuano	Hobson	Oxley
Cardin	Hoefel	Packard
Chabot	Hoekstra	Pascarell
Chambliss	Holden	Pastor
Chenoweth	Holt	Paul
Clayton	Hooley	Pease
Clement	Horn	Peterson (MN)
Clyburn	Hostettler	Peterson (PA)
Coble	Hoyer	Petri
Coburn	Hulshof	Phelps
Collins	Hunter	Pickering
Combest	Hutchinson	Pickett
Condit	Hyde	Pitts
Cook	Inslee	Pombo
Cooksey	Isakson	Pomeroy
Costello	Istook	Portman
Cox	Jefferson	Price (NC)
Cramer	Jenkins	Pryce (OH)
Crane	John	Quinn
Crowley	Johnson (CT)	Radanovich
Cubin	Johnson, E. B.	Rahall
Cunningham	Jones (NC)	Ramstad
Danner	Kanjorski	Rangel
Davis (FL)	Kaptur	Regula
Davis (VA)	Kasich	Reyes
Deal	Kelly	Reynolds
DeFazio	Kildee	Riley
DeGette	Kind (WI)	Rivers
Delahunt	King (NY)	Rodriguez
DeLauro	Kingston	Roemer
DeLay	Klecza	Rogan
DeMint	Knollenberg	Rogers
Diaz-Balart	Kolbe	Rohrabacher
Dickey	Kuykendall	Ros-Lehtinen
Dicks	LaFalce	Rothman
Dixon	LaHood	Roukema
Doggett	Lampson	Royce
Dooley	Lantos	Ryan (WI)
Doolittle	Largent	Ryun (KS)
Doyle	Larson	Sabo

Sanders	Souder	Udall (CO)
Sandlin	Spence	Udall (NM)
Sanford	Spratt	Upton
Sawyer	Stearns	Velazquez
Saxton	Stenholm	Vento
Scarborough	Strickland	Visclosky
Schaffer	Stump	Vitter
Schakowsky	Stupak	Walden
Sensenbrenner	Sununu	Walsh
Serrano	Sweeney	Wamp
Sessions	Talent	Watkins
Shadegg	Tancredo	Watts (OK)
Shaw	Tanner	Weldon (FL)
Sherman	Tauscher	Weldon (PA)
Sherwood	Tauzin	Weller
Shimkus	Taylor (MS)	Weygand
Shows	Taylor (NC)	Whitfield
Shuster	Terry	Wicker
Simpson	Thompson (CA)	Wilson
Sisisky	Thompson (MS)	Wise
Skeen	Thornberry	Wolf
Skelton	Thune	Woolsey
Slaughter	Thurman	Wu
Smith (MI)	Tiahrt	Wynn
Smith (NJ)	Tierney	Young (AK)
Smith (TX)	Toomey	Young (FL)
Smith (WA)	Trafficant	
Snyder	Turner	

## NOES—60

Ackerman	Hastings (FL)	Morella
Allen	Hinchey	Nadler
Becerra	Jackson (IL)	Olver
Berman	Jackson-Lee	Owens
Boehlert	(TX)	Pallone
Castle	Jones (OH)	Payne
Clay	Kennedy	Pelosi
Conyers	Kilpatrick	Porter
Coyne	Klink	Roybal-Allard
Cummings	Kucinich	Rush
Davis (IL)	Lee	Sanchez
Deutsch	Levin	Scott
Dingell	Lewis (GA)	Stabenow
Eshoo	Lowey	Stark
Farr	Maloney (CT)	Towns
Fattah	Meek (FL)	Waters
Filner	Meeks (NY)	Watt (NC)
Frank (MA)	Millender-	Waxman
Gilman	McDonald	Weiner
Gonzalez	Miller, George	Wexler
Greenwood	Mink	

## NOT VOTING—10

Brown (CA)	Lucas (OK)	Shays
Carson	Menendez	Thomas
Houghton	Minge	
Johnson, Sam	Salmon	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. THORNBERRY, Chairman, pursuant to House Resolution 209, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

Mr. COBURN demanded a separate vote on the amendment at the end of the bill (the EMERSON amendment).

The following remaining amendments, reported from the Committee of the Whole House on the state of the Union were then agreed to:

Page 3, strike lines 23 and 24, and insert the following:

“(9) establishing and maintaining an automated system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that—

“(A) is equivalent to the system of records that would be kept of adults arrested for such conduct, including fingerprint records and photograph records;

“(B) provides for submitting such juvenile records to the Federal Bureau of Investigation in the same manner as adult criminal records are so submitted;

“(C) requires the retention of juvenile records for a period of time that is equal to

the period of time for which adult criminal records are retained; and

“(D) makes available, on an expedited basis, to law enforcement agencies, to courts, and to school officials who shall be subject to the same standards and penalties that apply under Federal and State law to law enforcement and juvenile justice personnel with respect to handling such records and disclosing information contained in such records;

Page 4, after line 21, insert the following:

(14) establishing and maintaining restorative justice programs.

(c) DEFINITION.—For purposes of this section, the term “restorative justice program” means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution, and mediation between victim and offender.”

Page 4, line 11, strike the period and insert the following: “, and accountability-based, proactive programs, including anti-gang programs, developed by law enforcement agencies to combat juvenile crime;”.

Page 3, after line 10, insert the following (and redesignate any subsequent paragraphs accordingly):

“(6) providing funding to prosecutors for the purpose of establishing and maintaining juvenile witness assistance programs;”.

Page 4, line 18, strike “and” at the end.

Page 4, line 21, strike the period at the end and insert a semicolon.

Page 4, after line 21, insert the following (and make such technical and conforming changes as may be appropriate):

“(14) supporting the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

“(15) ensuring proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (14);

“(16) assisting in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (14), including the utilization of Internet webpages or resources;

“(17) enhancing State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (14) threatening to do harm to themselves or others; and

“(18) furthering State efforts to publicize the services offered by the hotlines described in paragraph (14) and to encourage individuals to utilize those services.

Page 1, beginning on line 4, strike “Consequences for Juvenile Offenders” and insert “Child Safety and Youth Violence Prevention”.

Page 1, after line 5, insert the following:

## SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

## TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

Sec. 101. Short title.

Sec. 102. Grant program.

## TITLE II—JUVENILE JUSTICE REFORM

Sec. 201. Delinquency proceedings or criminal prosecutions in district courts.

Sec. 202. Custody prior to appearance before judicial officer.

Sec. 203. Technical and conforming amendments to section 5034.

Sec. 204. Detention prior to disposition or sentencing.

Sec. 205. Speedy trial.

Sec. 206. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.

Sec. 207. Juvenile records and fingerprinting.

Sec. 208. Technical amendments of sections 5031 and 5034.

Sec. 209. Clerical amendments to table of sections for chapter 403.

## TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

Sec. 301. Armed criminal apprehension program.

Sec. 302. Annual reports.

Sec. 303. Authorization of appropriations.

Sec. 304. Cross-designation of Federal prosecutors.

## TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

Sec. 401. Increased penalties for unlawful juvenile possession of firearms.

Sec. 402. Increased penalties and mandatory minimum sentence for unlawful transfer of firearm to juvenile.

Sec. 403. Prohibiting possession of explosives by juveniles and young adults.

## TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

Sec. 501. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.

Sec. 502. Requiring thefts from common carriers to be reported.

Sec. 503. Voluntary submission of dealer's records.

Sec. 504. Grant program for juvenile records.

## TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

Sec. 601. Mandatory minimum sentence for discharging a firearm in a school zone.

Sec. 602. Apprehension and procedural treatment of armed violent criminals.

Sec. 603. Increased penalties for possessing or transferring stolen firearms.

Sec. 604. Increased mandatory minimum penalties for using a firearm to commit a crime of violence or drug trafficking crime.

Sec. 605. Increased penalties for misrepresented firearms purchase in aid of a serious violent felony.

Sec. 606. Increasing penalties on gun kingpins.

Sec. 607. Serious recordkeeping offenses that aid gun trafficking.

Sec. 608. Termination of firearms dealer's license upon felony conviction.

Sec. 609. Increased penalty for transactions involving firearms with obliterated serial numbers.

Sec. 610. Forfeiture for gun trafficking.

Sec. 611. Increased penalty for firearms conspiracy.

Sec. 612. Gun convictions as predicate crimes for Armed Career Criminal Act.

Sec. 613. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.

Sec. 614. Forfeiture of firearms used in crimes of violence and felonies.

Sec. 615. Separate licenses for gunsmiths.

Sec. 616. Permits and background checks for purchases of explosives.

Sec. 617. Persons prohibited from receiving or possessing explosives.

**TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS**

- Sec. 701. Increased mandatory minimum penalties for using minors to distribute drugs.
- Sec. 702. Increased mandatory minimum penalties for distributing drugs to minors.
- Sec. 703. Increased mandatory minimum penalties for drug trafficking in or near a school or other protected location.
- Sec. 704. Criminal street gangs.
- Sec. 705. Increase in offense level for participation in crime as a gang member.
- Sec. 706. Interstate and foreign travel or transportation in aid of criminal gangs.
- Sec. 707. Gang-related witness intimidation and retaliation.

**TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Consequences for Juvenile Offenders Act of 1999”.

Page 2, line 1, strike “2” and insert “102”.

Page 4, line 11, strike the period and insert a semicolon.

Page 6, line 10, strike “juvenile” and all that follows through “every” on line 11 and insert the following: “a juvenile offender for each delinquent”.

Page 6, line 13, strike “or criminal”.

Page 16, line 16, strike “utilized” and insert the following: “used by a State or unit of local government that receives a grant under this part”.

Page 16, line 18, strike “(a)(2)” and insert “(b)”.

Page 20, strike line 4, and insert the following:

(b) CLERICAL AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(16) of the Omnibus Crime Control and Safe Streets Act of 1965 is amended by striking subparagraph (E).

(2) TABLE OF CONTENTS.—The table of contents

At the end of the bill, insert the following:

**TITLE II—JUVENILE JUSTICE REFORM**

**SEC. 201. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.**

Section 5032 of title 18, United States Code, is amended to read as follows:

**“§ 5032. Delinquency proceedings or criminal prosecutions in district courts**

“(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State or Indian tribal authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

“(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

“(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

“(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

“(i) the juvenile court or other appropriate court of a State or Indian tribe does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, or

“(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

“(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State or tribe.

“(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

“(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

“(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

“(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

“(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

“(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

“(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

“(3) Such approval shall not be granted, with respect to a juvenile who has not attained the age of 14 and who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

“(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

“(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

“(B) an offense described in section 844(d), (k), or (l), or subsection (a)(4) or (6), (b), (g), (h), (j), (k), or (l) of section 924;

“(C) a violation of section 922(o) that is an offense under section 924(a)(2);

“(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

“(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

“(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

“(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

“(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

“(f) The Attorney General shall annually report to Congress—

“(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

“(2) the race, ethnicity, and gender of those juveniles;

“(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

“(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

“(g) As used in this section—

“(1) the term ‘State’ includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

“(2) the term ‘serious violent felony’ has the same meaning given that term in section 3559(c)(2)(F)(i).”

**SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.**

Section 5033 of title 18, United States Code, is amended to read as follows:

**“§ 5033. Custody prior to appearance before judicial officer**

“(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile’s rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile’s parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

“(b) The juvenile shall be taken before a judicial officer without unreasonable delay.”

**SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.**

Section 5034 of title 18, United States Code, is amended—

(1) by striking “The” each place it appears at the beginning of a paragraph and inserting “the”;

(2) by striking “If” at the beginning of the 3rd paragraph and inserting “if”;

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

"In a proceeding under section 5032(a)—".

**SEC. 204. DETENTION PRIOR TO DISPOSITION OR SENTENCING.**

Section 5035 of title 18, United States Code, is amended to read as follows:

**"§ 5035. Detention prior to disposition or sentencing**

"(a) A juvenile alleged to be delinquent or a juvenile being prosecuted as an adult, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Whenever appropriate, detention shall be in a foster home or community based facility. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(b) To the maximum extent feasible, a juvenile prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) A juvenile who is proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(d) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

**SEC. 205. SPEEDY TRIAL.**

Section 5036 of title 18, United States Code, is amended by—

(1) striking "If an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(a)";

(2) striking "thirty" and inserting "45"; and

(3) striking "the court," and all that follows through the end of the section and inserting "the court. The periods of exclusion under section 3161(h) of this title shall apply to this section."

**SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.**

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

**"§ 5037. Disposition**

"(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appro-

priate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

"(2) Such list shall—

"(A) be comprehensive in nature and encompass punishments of varying levels of severity;

"(B) include terms of confinement; and

"(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct."

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS

OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B)."

**SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.**

Section 5038 of title 18, United States Code, is amended to read as follows:

**"§ 5038. Juvenile records and fingerprinting**

"(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

"(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

"(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

"(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

"(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

"(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

**SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.**

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking "magistrate" and inserting "judicial officer"; and

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

**SEC. 209. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.**

The heading and the table of sections at the beginning of chapter 403 of title 18,

United States Code, is amended to read as follows:

**"CHAPTER 403—JUVENILE DELINQUENCY**

- "Sec.
- "5031. Definitions.
- "5032. Delinquency proceedings or criminal prosecutions in district courts.
- "5033. Custody prior to appearance before judicial officer.
- "5034. Duties of judicial officer.
- "5035. Detention prior to disposition or sentencing.
- "5036. Speedy trial.
- "5037. Disposition.
- "5038. Juvenile records and fingerprinting.
- "5039. Commitment.
- "5040. Support.
- "5041. Repealed.
- "5042. Revocation of probation."

**TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS**

**SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in the office of each United States Attorney a program that meets the requirements of subsections (b) and (c). The program shall be known as the "Armed Criminal Apprehension Program".

(b) PROGRAM REQUIREMENTS.—In the office of each United States Attorney, the program established under subsection (a) shall—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of chapter 44 of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2); and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) PUBLIC EDUCATION CAMPAIGN.—As part of the program, each United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (b) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (b) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of

violent youth crime committed in the district for which the United States attorney is appointed.

**SEC. 302. ANNUAL REPORTS.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys designated under the program under section 301 and cross-designated under section 304 during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) The average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 301 \$50,000,000 for fiscal year 2000, of which—

(1) \$40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) \$10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 301(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 301(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 301(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

**SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECUTORS.**

To better assist state and local law enforcement agencies in the investigation and prosecution of firearms offenses, each United States Attorney may cross-designate one or more Assistant United States Attorneys to prosecute firearms offenses under State law that are similar to those listed in section 301(b)(2) in State and local courts.

**TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES**

**SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVENILE POSSESSION OF FIREARMS.**

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" and inserting "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) by striking paragraph (6) and inserting the following:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—  
 "(i) the juvenile shall be fined under this title, imprisoned not more than 5 years, or both, if—

"(I) the offense of which the juvenile is charged is a violation of section 922(x); and

"(II) the violation was also with the intent to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone, or knowing that another juvenile intends to possess the handgun, ammunition, large capacity feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone;

"(ii) the juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is a violation of section 922(x); and

"(II) the violation was also with the intent also to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a violent felony, or knowing that another juvenile intends to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a serious violent felony.

"(B) For purposes of this paragraph, the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).

"(C) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to penalties under subparagraph (A)(ii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains 18 years of age."

**SEC. 402. INCREASED PENALTIES AND MANDATORY MINIMUM SENTENCE FOR UNLAWFUL TRANSFER OF FIREARM TO JUVENILE.**

Section 924(a)(6) of title 18, United States Code, is further amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 5 years, or both;

"(ii) if the person violated section 922(x)(1) knowing that a juvenile intended to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in a school zone, shall be fined under this title and imprisoned not less than 3 years and not more than 20 years; and

"(iii) if the person violated section 922(x)(1) knowing that a juvenile intended to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in the commission of a serious violent felony, shall be imprisoned not less than 10 years and not more than 20 years and fined under this title."

**SEC. 403. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES AND YOUNG ADULTS.**

Section 842 of title 18, United States Code, is amended by adding at the end the following:

“(r)(1) It shall be unlawful for any person who has not attained 21 years of age to ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which has been shipped or transported in interstate or foreign commerce.

“(2) This subsection shall not apply to commercially manufactured black powder in bulk quantities not to exceed five pounds, and if the person is less than 18 years of age, the person has the prior written consent of the person's parents or guardian who is not prohibited by Federal, State, or local law from possessing explosive materials, and the person has the prior written consent in the person's possession at all times when the black powder is in the possession of the person.”.

**TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES**

**SEC. 501. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.**

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

“(p)(1) For purposes of this subsection:

“(A) The term ‘destructive device’ has the same meaning as in section 921(a)(4).

“(B) The term ‘explosive’ has the same meaning as in section 844(j).

“(C) The term ‘weapon of mass destruction’ has the same meaning as in section 2332a(c)(2).

“(2) It shall be unlawful for any person—

“(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

“(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.”.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “person who violates any of subsections” and inserting the following: “person who—

“(1) violates any of subsections”;

(2) by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(2) violates section 842(p)(2), shall be fined under this title, imprisoned not more than 20 years, or both.”; and

(4) in subsection (j), by inserting “and section 842(p),” after “this section.”.

**SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.**

(a) Section 922(f) of title 18, United States Code, is amended by adding at the end the following:

“(3)(A) It shall be unlawful for any common or contract carrier to fail to report the theft or loss of a firearm within 48 hours

after the theft or loss is discovered. The theft or loss shall be reported to the Secretary and to the appropriate local authorities.

“(B) The Secretary may impose a civil fine of not more than \$10,000 on any person who knowingly violates subparagraph (A).”.

(b) Section 924(a)(1)(B) of title 18, United States Code, is amended by striking “(f),” and inserting “(f)(1), (f)(2).”.

**SEC. 503. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.**

Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

“(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Upon receipt of such records the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary. Additionally, a licensee while maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business is discontinued to the Secretary. Where State law or local ordinance requires the delivery of records to another responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.”.

**SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.**

(a) PROGRAM AUTHORIZATION.—The Attorney General is authorized to provide grants to States to improve the quality and accessibility of juvenile records and to ensure juvenile records are routinely available for background checks performed in connection with the transfer of a firearm.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State that wishes to receive a grant under this section shall submit an application to the Attorney General that meets the requirements of paragraph (2).

(2) ASSURANCE.—The application referred to in paragraph (1) shall include an assurance that the State has in place a system of records that ensures that juvenile records are available for background checks performed in connection with the transfer of a firearm, in which such system provides that—

(A) an adjudication of an act of violent juvenile delinquency as defined in section 921(a)(20)(B) is not expunged or set aside after a juvenile reaches the age of majority; and

(B) such a juvenile record is available and retained as if it were an adult record.

(c) ALLOCATION.—Of the total funds appropriated under subsection (e), each State that meets the requirements of subsection (b), shall be allocated an amount which bears the same ratio to the amount of funds so appropriated as the population of individuals under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of such individuals of all the States that meet the requirements of subsection (b) for such fiscal year.

(d) USES OF FUNDS.—A State that receives a grant award under this section may use such funds to support the administrative record system referred to in subsection (b)(2).

(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, \$25,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES**

**SEC. 601. MANDATORY MINIMUM SENTENCE FOR DISCHARGING A FIREARM IN A SCHOOL ZONE.**

Section 924(a)(4) of title 18, United States Code, is amended—

(1) by striking “922(q) shall be fined” and inserting “922(q)(2) shall be fined”; and

(2) by inserting after the first sentence the following: “Whoever violates section 922(q)(3) with reckless disregard for the safety of another shall be fined under this title, imprisoned not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life or for any term of years, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for any term of years or for life, or both. Whoever knowingly violates section 922(q)(3) shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not less than 15 years and not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for life, or both.”.

**SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.**

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking “and” at the end of subparagraph (C) and inserting “or”; and

(3) by adding at the end the following:

“(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and”.

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(A) Except as provided in subparagraph (B), any person who”; and

(2) by adding at the end the following:

“(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence for such a violation to a person who has more than 1 previous conviction for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), committed under different circumstances.”.

**SEC. 603. INCREASED PENALTIES FOR POSSESSING OR TRANSFERRING STOLEN FIREARMS.**

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “(i), (j).”; and

(B) by adding at the end the following:

“(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.”;

(2) in subsection (i)(1), by striking “10” and inserting “15”; and



(3) in subsection (l), by striking "10" and inserting "15".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

**SEC. 604. INCREASED MANDATORY MINIMUM PENALTIES FOR USING A FIREARM TO COMMIT A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking "10 years." and inserting "12 years; and"; and

(C) by adding at the end the following:

"(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years."; and

(2) in subsection (h), by striking "imprisoned not more than 10 years" and inserting "imprisoned not less than 5 years and not more than 10 years".

**SEC. 605. INCREASED PENALTIES FOR MISREPRESENTED FIREARMS PURCHASE IN AID OF A SERIOUS VIOLENT FELONY.**

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a serious violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) For purposes of this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F)."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

**SEC. 606. INCREASING PENALTIES ON GUN KINGS.**

(a) INCREASING THE PENALTY FOR ENGAGING IN AN ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of title 18, United States Code, is amended by inserting "or willfully violates section 922(a)(1)," after "section 922".

(b) SENTENCING GUIDELINES INCREASE FOR CERTAIN VIOLATIONS AND OFFENSES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines to provide an appropriate enhancement for a violation of section 922(a)(1) of title 18, United States Code; and

(2) review and amend the Federal sentencing guidelines to provide additional sentencing increases, as appropriate, for offenses involving more than 50 firearms.

The Commission shall promulgate the amendments provided for under this subsection as soon as is practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

**SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.**

Section 924(a)(3) of title 18, United States Code, is amended by striking the period and inserting "; but if the violation is in relation to an offense under subsection (a)(6) or (d) of section 922, shall be fined under this title,

imprisoned not more than 10 years, or both."

**SEC. 608. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.**

Section 925(b) of title 18, United States Code, is amended by striking "until any conviction pursuant to the indictment becomes final" and inserting "until the date of any conviction pursuant to the indictment".

**SEC. 609. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH OBLITERATED SERIAL NUMBERS.**

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking "(k)"; and

(2) in paragraph (2), by inserting "(k)," after "(j)".

**SEC. 610. FORFEITURE FOR GUN TRAFFICKING.**

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(9) The court, in imposing a sentence on a person convicted of a gun trafficking offense, as defined in section 981(a)(1)(G), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any conveyance used or intended to be used to commit such offense, and any property traceable to such conveyance."

**SEC. 611. INCREASED PENALTY FOR FIREARMS CONSPIRACY.**

Section 924 of title 18, United States Code, is further amended by adding at the end the following:

"(q) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy."

**SEC. 612. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL ACT.**

(a) Section 924(e)(1) of title 18, United States Code, is amended—

(1) by striking "violent felony or a serious drug offense, or both," and inserting "violent felony, a serious drug offense or a violation of section 922(g)(1), or a combination of such offenses,"; and

(2) by adding at the end the following: "No more than two convictions for violations of section 922(g)(1) shall be considered in determining whether a person has three previous convictions for purposes of this subsection."

**SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.**

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting "or serious drug offense" after "violent felony".

**SEC. 614. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.**

(a) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is further amended by adding at the end the following:

"(10) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense."

(b) DISPOSAL OF PROPERTY.—Section 981(c) of title 18, United States Code, is amended by adding at the end the following flush sentence:

"Any firearm forfeited pursuant to subsection (a)(1)(H) of this section or section 982(a)(10) of this title shall be disposed of by the seizing agency in accordance with law."

(c) AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d).—Section 924(d) of title 18, United States Code, is amended by adding at the end the following:

"(4) Whenever any firearm is subject to forfeiture under this section, the Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried."

(d) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.—Section 924(d)(1) of title 18, United States Code, is amended by adding "administrative" after "Any" in the last sentence.

(e) SECTION 3665.—Section 3665 of title 18, United States Code, is amended—

(1) by redesignating the first undesignated paragraph as subsection (a)(1) and the second undesignated paragraph as subsection (a)(2); and

(2) by adding at the end the following:

"(b) The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section."

**SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.**

(a) Section 921(a)(11) of title 18, United States Code, is amended to read as follows:

"(11) The term 'dealer' means (A) any person engaged in the business as a firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter."

(b) Section 921(a) of title 18, United States Code, is amended by redesignating paragraphs (12) through (33) as paragraphs (14) through (35), and by inserting after paragraph (11) the following:

"(12) The term 'firearms dealer' means any person who is engaged in the business of selling firearms at wholesale or retail.

"(13) The term 'gunsmith' means any person, other than a licensed manufacturer, licensed importer, or licensed dealer, who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms."

(c) Section 923(a)(3) of title 18, United States Code is amended to read as follows:

"(3) If the applicant is a dealer who is—

"(A) a dealer in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

"(B) a dealer in firearms who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years; or

"(C) a gunsmith, a fee of \$100 for 3 years, except that the fee for renewal of a valid license shall be \$50 for 3 years."

**SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.**

(a) PERMITS FOR PURCHASE OF EXPLOSIVES IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(1) by amending subparagraphs (A) and (B) of subsection (a)(3) to read as follows:

"(A) to transport, ship, cause to be transported, or receive any explosive materials; or

"(B) to distribute explosive materials to any person other than a licensee or permittee."; and

(2) in subsection (b)—

(A) by adding "or" at the end of paragraph (1);

(B) by striking "or" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(b) **BACKGROUND CHECKS.**—Section 842 of title 18, United States Code, is further amended by adding at the end the following:

“(q)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not transfer explosive materials to any other person who is not a licensee under section 843 of this title unless—

“(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103(d) of the Brady Handgun Violence Prevention Act;

“(B)(i) the system provides the licensee with a unique identification number; or

“(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of explosive materials by such other person would violate subsection (i) of this section;

“(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1038(d)(1) of this title) of the transferee containing a photograph of the transferee; and

“(D) the transferor has examined the permit issued to the transferee pursuant to section 843 of this title and recorded the permit number on the record of the transfer.

“(2) If receipt of explosive materials would not violate section 842(i) of this title or State law, the system shall—

“(A) assign a unique identification number to the transfer; and

“(B) provide the licensee with the number.

“(3) Paragraph (1) shall not apply to the transfer of explosive materials between a licensee and another person if on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

“(A) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

“(B) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in section 922(s)(8)); and

“(C) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

“(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of explosive materials by such other person would violate subsection (i) or State law, and the licensee transfers explosive materials to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

“(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than \$5,000.

“(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

“(A) for failure to prevent the sale or transfer of explosive materials to a person

whose receipt or possession of the explosive materials is unlawful under this section; or

“(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.”.

(c) **ADMINISTRATIVE PROVISIONS.**—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f), by inserting “or explosive materials” after “firearm”; and

(2) in subsection (g), by inserting “or that receipt of explosive materials by a prospective transferee would violate section 842(i) of such title, or State law,” after “State law.”.

(d) **REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.**—

(1) **IN GENERAL.**—Chapter 40 of title 18, United States Code, is amended by inserting after section 843 the following:

**“§ 843A. Remedy for erroneous denial of explosive materials**

“Any person denied explosive materials pursuant to section 842(q)—

“(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

“(2) who was not prohibited from receipt of explosive materials pursuant to section 842(i),

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney’s fee as part of the costs.”.

(2) **TECHNICAL AMENDMENT.**—The section analysis for chapter 40 of title 18, United States Code, is amended by inserting after the item relating to section 843 the following:

“843A. Remedy for erroneous denial of explosive materials.”.

(e) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue final regulations with respect to the amendments made by subsection (a).

(2) **NOTICE TO STATES.**—On the issuance of regulations pursuant to paragraph (1), the Secretary of the Treasury shall notify the States of the regulations so that the States may consider revising their explosives laws.

(f) **LICENSES AND USER PERMITS.**—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting “, including fingerprints and a photograph of the applicant” before the period at the end of the first sentence; and

(2) by striking the second sentence and inserting, “Each applicant for a license shall pay for each license a fee established by the Secretary that shall not exceed \$300. Each applicant for a permit shall pay for each permit a fee established by the Secretary that shall not exceed \$100.”.

(g) **PENALTIES.**—Section 844 of title 18, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (a)(1); and

(2) by inserting after subsection (a)(1) the following new paragraph:

“(2) Any person who violates section 842(q) shall be fined under this title, imprisoned for not more than 5 years, or both.”.

(h) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), (c), (d), and (g)

shall take effect 18 months after the date of enactment of the Act.

**SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.**

(a) **DISTRIBUTION OF EXPLOSIVES.**—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking “or” at the end;

(2) in paragraph (6), by striking the period and inserting “or who has been committed to a mental institution;”; and

(3) by adding at the end the following:

“(7) being an alien—

“(A) is illegally or unlawfully in the United States; or

“(B) except as provided in subsection (q)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

“(8) has been discharged from the Armed Forces under dishonorable conditions;

“(9) having been a citizen of the United States, has renounced his citizenship;

“(10) is subject to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

“(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

“(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

“(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

“(12) has been adjudicated delinquent.”.

(b) **POSSESSION OF EXPLOSIVES.**—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking “or” at the end; and

(2) by adding at the end the following:

“(5) who, being an alien—

“(A) is illegally or unlawfully in the United States; or

“(B) except as provided in subsection (q)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

“(6) who has been discharged from the Armed Forces under dishonorable conditions;

“(7) who, having been a citizen of the United States, has renounced his citizenship;

“(8) who is subject to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

“(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

“(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;



“(9) who has been convicted in any court of a misdemeanor crime of domestic violence; or

“(10) who has been adjudicated delinquent.”.

(c) DEFINITION.—Section 841 of title 18, United States Code, is amended by adding at the end the following:

“(r)(1) Except as provided in paragraph (2), ‘misdemeanor crime of domestic violence’ means an offense that—

“(A) is a misdemeanor under Federal or State law; and

“(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

“(2)(A) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

“(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

“(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

“(I) the case was tried by a jury; or

“(II) the person knowingly and intelligently waived the right to have the case tried by jury, by guilty plea or otherwise.

“(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

“(s) ‘Adjudicated delinquent’ means an adjudication of delinquency based upon a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.”.

(d) ALIENS ADMITTED UNDER NONIMMIGRANT VISAS.—Section 842 is amended by adding at the end the following:

“(r)(1) For purposes of this subsection—

“(A) the term ‘alien’ has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

“(B) the term ‘nonimmigrant visa’ has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

“(2) Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

“(3)(A) Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5)(B), if—

“(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

“(ii) the Attorney General approves the petition.

“(B) Each petition under subparagraph (B) shall—

“(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the

date on which the petition is submitted under this paragraph; and

“(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5)(B), otherwise be prohibited from such an acquisition under subsection (i).

“(C) The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (i)(5)(B) with respect to the petitioner—

“(i) would be in the interests of justice; and

“(ii) would not jeopardize the public safety.”.

(e) CONFORMING AMENDMENT.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding any other provision of this section, no person convicted of a misdemeanor crime of domestic violence may ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which have been shipped or transported in interstate or foreign commerce.”.

## TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

### SEC. 701. INCREASED MANDATORY MINIMUM PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking “one year” and inserting “3 years”; and

(2) in subsection (c), by striking “one year” and inserting “5 years”.

### SEC. 702. INCREASED MANDATORY MINIMUM PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking “one year” and inserting “3 years”; and

(2) in subsection (b), by striking “one year” and inserting “5 years”.

### SEC. 703. INCREASED MANDATORY MINIMUM PENALTIES FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking “one year” and inserting “3 years”; and

(2) in subsection (b), by striking “three years” each place that term appears and inserting “5 years”.

### SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking “5” and inserting “3”; and

(B) by inserting “, whether formal or informal” after “or more persons”; and

(C) in subparagraph (A), by inserting “or activities” after “purposes”;

(2) in subsection (b), by inserting after “10 years” the following: “and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)”;

(3) in subsection (c)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

“(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

“(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section

1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

“(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

“(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

“(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46” and inserting “section 521, chapter 46”.

### SEC. 705. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term “criminal street gang” has the meaning given that term in section 521(a) of title 18, United States Code.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender’s relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

### SEC. 706. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

#### “§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

“(a) PROHIBITED CONDUCT AND PENALTIES.—

“(1) IN GENERAL.—Whoever—

“(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

“(i) distribute the proceeds of any unlawful activity; or

“(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

“(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

“(2) CRIMES OF VIOLENCE.—Whoever—

“(A) travels in interstate or foreign commerce or uses the mail or any facility in

interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

“(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

“(b) DEFINITIONS.—In this section:

“(1) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(2) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(3) UNLAWFUL ACTIVITY.—The term ‘unlawful activity’ means—

“(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

“(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than \$10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States; or

“(C) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.”

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term “unlawful activity” has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code, recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

#### SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RETALIATION.

(a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section 1952 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any

person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object’s integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.”

(b) CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.—Section 1512 of title 18, United States Code, is amended by adding at the end the following:

“(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.”

(c) WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.—

(1) SURVEY.—The Attorney General shall survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs. Not later than 270 days after the date of the enactment of this section, the Attorney General shall report the results of this survey to Congress.

(2) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraphs (1) and (2) for fiscal year 2000 not to exceed \$500,000.

(d) FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.—

(1) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under paragraph (2), which promote coordination among State and local witness interstate relocation programs.

(2) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(3) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(4) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of paragraph (4) and shall determine, consistent with such guidelines, which juris-

dictions are eligible for grants under paragraph (4).

(d) BYRNE GRANTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking “and” at the end of paragraph (25);

(2) by striking the period at the end paragraph (26) and inserting “; and”; and

(3) by adding at the end the following:

“(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.”

(e) DEFINITION.—As used in this section, the term “State” includes the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

Add at the end the following:

#### SEC. \_\_\_\_ AIMEE’S LAW.

(a) SHORT TITLE.—This section may be cited as “Aimee’s Law”.

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term “dangerous sexual offense” means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term “murder” has the meaning given the term under applicable State law.

(3) RAPE.—The term “rape” has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term “sexual abuse” has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term “sexually explicit conduct” has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than

10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

At the end of the bill, insert the following:

**TITLE —MATTHEW'S LAW**

**SEC. . SHORT TITLE.**

This title may be cited as "Matthew's Law".

**SEC. . 2. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.**

(a) IN GENERAL.—Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

**"Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13**

**"SEC. 170301. ENHANCED PENALTIES FOR CRIMES OF VIOLENCE AGAINST CHILDREN UNDER AGE 13.**

"(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal

sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child.

"(b) DEFINITIONS.—In this section—

"(1) the term 'crime of violence' means any crime punishable by imprisonment for a term exceeding one year that has as an element the use, attempted use, or threatened use of physical force against the person of another; and

"(2) the term 'child' means a person who has not attained 13 years of age at the time of the offense."

(b) CONFORMING REPEAL.—Section 240002 of such Act (28 U.S.C. 994 note) is repealed.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking the item relating to subtitle C of title XVII and the items relating to sections 170301 through 170303 and inserting the following:

"Subtitle C—Enhanced Penalties for Crimes of Violence Against Children Under Age 13

"Sec. 170301. Enhanced penalties for crimes of violence against children under age 13."

**SEC. . 3. FEDERAL BUREAU OF INVESTIGATION ASSISTANCE AVAILABLE TO STATE OR LOCAL LAW AUTHORITIES IN INVESTIGATING POSSIBLE HOMICIDES OF CHILDREN UNDER THE AGE OF 13.**

To the maximum extent practicable, the Federal Bureau of Investigation may provide to State and local law enforcement authorities such assistance as such authorities may require in investigating the death of an individual who has not attained 13 years of age under circumstances indicating that the death may have been a homicide.

Add at the end the following:

**SEC. . MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.**

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

"(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

"(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

"(i) a Federal sex offense; or

"(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

"(I) the offense involved interstate or foreign commerce, or the use of the mails; or

"(II) the conduct occurred in any commonwealth, territory, or possession of the United

States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

"(C) the term 'minor' means any person under the age of 18 years; and

"(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States."

(b) TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting " , unless section 3559(e) applies" before the final period.

(2) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting " , unless section 3559(e) applies" before the final period.

(3) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking "less than three" and inserting "fewer than 3".

Add at the end the following:

**SEC. . INCREASE OF AGE RELATING TO TRANSFER OF OBSCENE MATERIAL.**

Section 1470 of title 18, United States Code, is amended by striking "16" each place it appears and inserting "18".

Add at the end the following new section:

**SEC. . CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.**

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 1205. Child hostage-taking to evade arrest or obstruct justice**

"(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

"(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

"(2) compel any department or agency of the Federal Government to do or to abstain from doing any act;

or attempts to do so, shall be punished in accordance with subsection (b).

"(b) SENTENCING.—Any person who violates subsection (a)—

"(1) shall be imprisoned not less than 10 years and not more than 25 years;

"(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

"(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

"(c) DEFINITION.—For purposes of this section, the term 'child' means an individual who has not attained the age of 18 years."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1205. Child hostage-taking to evade arrest or obstruct justice."

At the end of the bill, insert the following:

**SEC. . PROHIBITION ON TRANSFERRING TO JUVENILE A FIREARM THAT THE TRANSFEROR KNOWS OR HAS REASON TO BELIEVE WILL BE USED IN A SCHOOL ZONE OR IN A SERIOUS VIOLENT FELONY.**

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in a school zone.

“(2) It shall be unlawful for a person to sell, deliver, or otherwise transfer any firearm to a person who the transferor knows or has reasonable cause to believe is a juvenile, and knowing or having reasonable cause to believe that the juvenile intends to possess, discharge, or otherwise use the firearm in the commission of a serious violent felony.

“(3) For purposes of this subsection, the term ‘juvenile’ means an individual who has not attained 18 years of age.”.

(b) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

“(7)(A) A person, other than a juvenile, who violates section 922(z)(1) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(ii), or both.

“(B) A person, other than a juvenile, who violates section 922(z)(2) shall be fined under this title, imprisoned as provided in section 924(a)(6)(B)(iii), or both.”.

At the end of the bill, insert the following:

**SEC. \_\_\_\_ LIMITATION ON PRISONER RELEASE ORDERS.**

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

**“§ 1632. Limitation on prisoner release orders**

“(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

“(b) DEFINITIONS.—As used in this section—

“(1) the terms ‘civil action with respect to prison conditions’, ‘prisoner’, ‘prisoner release order’, and ‘prison’ have the meanings given those terms in section 3626(g) of title 18; and

“(2) the term ‘prison conditions’ means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

“1632. Limitation on prisoner release orders.”.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term “consent decree” has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term “prison conditions” has the meaning given that term in section 1632(c) of

title 28, United States Code, as added by subsection (a) of this section.

Add at the end the following:

**TITLE \_\_\_\_—JUVENILE GANGS**

**SEC. \_\_\_\_ 1. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.**

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

**“§ 522. Recruitment of persons to participate in criminal street gang activity**

“(a) PROHIBITED ACT.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c).

“(b) PENALTIES.—Any person who violates subsection (a) shall—

“(1) if the person recruited, solicited, induced, commanded, or caused—

“(A) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; or

“(B) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

“(2) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

“(c) DEFINITIONS.—In this section:

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ has the meaning given the term in section 521.

“(2) MINOR.—The term ‘minor’ means a person who is younger than 18 years of age.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

“522. Recruitment of persons to participate in criminal street gang activity.”.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.**

(a) SHORT TITLE.—This section may be cited as the “Emergency Federal Judgeship Act of 1999”.

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

“Arizona ..... 11”;

(2) the item relating to Florida in such table is amended to read as follows:

“Florida:

Northern .....	4
Middle .....	15
Southern .....	16”;

and

(3) the item relating to Nevada in such table is amended to read as follows:

“Nevada ..... 6”.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

Page 4, line 23, strike “To” and insert the following “Except as provided in section 1803(f), to”.

Page 13, after line 19, insert the following:

“(f) SPECIAL RULES.—

“(1) In general.—The funds available under this part for a State shall be reduced by 25 percent and redistributed under paragraph (2) unless the State has in effect throughout the State a law which suspends the driver’s license of a juvenile until 21 years of age if such juvenile illegally possess a firearm or uses a firearm in the commission of a crime or an act of juvenile delinquency.

“(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that have in effect a law referred to in paragraph (1).

“(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).”.

At the end of the bill, insert the following:

**SEC. \_\_\_\_ YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).**

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) to 75 the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as YCGII) submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under 25, to the Secretary of the Treasury to identify the types and origins of such firearms; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts, and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program under this section.

(c) ESTABLISHMENT OF SYSTEM.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through online computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such online access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25;

regional, State, and national firearms trafficking trends; and the number of investigations and arrests resulting from YCGII.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Treasury to carry out this section \$50,000,000 for fiscal year 2000 and such sums as may be necessary for fiscal years 2001 through 2004.

At the end of the bill insert the following:  
**SEC. \_\_\_\_ FINDINGS.**

The Congress finds that—

(1) more than 40,000 laws regulating the sale, possession, and use of firearms currently exist at the Federal, State, and local level;

(2) there have been an extremely low number of prosecutions for Federal firearms violations;

(3) programs such as Project Exile have succeeded in dramatically decreasing homicide and gun-related crimes; and

(4) enhanced punishment and aggressive prosecution for crimes committed with firearms, or possessing a firearm during commission of a crime, are common sense solutions to deter gun violence.

Add at the end the following new title:

**TITLE \_\_\_\_—DRUG DEALER LIABILITY**

**SEC. \_\_\_\_ FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.**

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

**“SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.**

“(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in a felony violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

“(b) EXCEPTION.—An individual user of a controlled substance may not bring or maintain an action under this section unless the individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual’s sources of illegal controlled substances.”.

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

“Sec. 521. Federal cause of action for drug dealer liability.”.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.**

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney’s fee and costs, notwithstanding any other provision of law; and

(2) the Attorney General is authorized to provide legal assistance to the school district or other government entity that is defending the legality of such memorial service.

Add at the end the following:

**TITLE \_\_\_\_—LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES**

**SEC. \_\_\_\_ LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES.**

Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended—

(1) by striking “In” and inserting “Except as otherwise provided in this subsection, in”;

(2) by striking “, except that” and inserting “; However,”; and

(3) by adding at the end the following: “Attorneys’ fees under this section may not be allowed in any action claiming that a public school or its agent violates the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student’s religious expression.”.

Add at the end the following new title:

**TITLE \_\_\_\_—RIGHTS TO RELIGIOUS LIBERTY**

**SEC. \_\_\_\_ FINDINGS.**

The Congress finds the following:

(1) The Declaration of Independence declares that governments are instituted to secure certain unalienable rights, including life, liberty, and the pursuit of happiness, with which all human beings are endowed by their Creator and to which they are entitled by the laws of nature and of nature’s God.

(2) The organic laws of the United States Code and the constitutions of every State, using various expressions, recognize God as the source of the blessings of liberty.

(3) The First Amendment to the Constitution of the United States secures rights against laws respecting an establishment of religion or prohibiting the free exercise thereof made by the United States Government.

(4) The rights secured under the First Amendment have been interpreted by courts of the United States Government to be included among the provisions of the Fourteenth Amendment.

(5) The Tenth Amendment reserves to the States respectively the powers not delegated to the United States Government nor prohibited to the States.

(6) Disputes and doubts have arisen with respect to public displays of the Ten Commandments and to other public expression of religious faith.

(7) Section 5 of the Fourteenth Amendment grants the Congress power to enforce the provisions of the said amendment.

(8) Article I, Section 8, grants the Congress power to constitute tribunals inferior to the Supreme Court, and Article III, Section 1, grants the Congress power to ordain and establish courts in which the judicial power of the United States Government shall be vested.

**SEC. \_\_\_\_ RELIGIOUS LIBERTY RIGHTS DECLARED.**

(a) DISPLAY OF TEN COMMANDMENTS.—The power to display the Ten Commandments on or within property owned or administered by the several States or political subdivisions thereof is hereby declared to be among the powers reserved to the States respectively.

(b) EXPRESSION OF RELIGIOUS FAITH.—The expression of religious faith by individual persons on or within property owned or administered by the several States or political subdivisions thereof is hereby—

(1) declared to be among the rights secured against laws respecting an establishment of religion or prohibiting the free exercise of religion made or enforced by the United

States Government or by any department or executive or judicial officer thereof; and

(2) declared to be among the liberties of which no State shall deprive any person without due process of law made in pursuance of powers reserved to the States respectively.

(c) EXERCISE OF JUDICIAL POWER.—The courts constituted, ordained, and established by the Congress shall exercise the judicial power in a manner consistent with the foregoing declarations.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

**SEC. 3. RELIGIOUS NONDISCRIMINATION.**

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting before title III the following:

**“RELIGIOUS NONDISCRIMINATION**

“SEC. 299J. (a) A governmental entity that receives a grant under this title and that is authorized by this title to carry out the purpose for which such grant is made through contracts with, or grants to, nongovernmental entities may use such grant to carry out such purpose through contracts with or grants to religious organizations.

“(b) For purposes of subsection (a), subsections (b) through (k) of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply with respect to the use of a grant received by such entity under this title in the same manner as such subsections apply to States with respect to a program described in section 104(a)(2)(A) of such Act.”.

Add at the end the following:

**SEC. \_\_\_\_ SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video “killing” games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America’s youth;

(2) must recognize the power and influence it has over the behavior of our Nation’s youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

At the end of the bill, insert the following:

# SEC. \_\_\_\_ . STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to minors, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

Insert at the end the following new section:

## SEC. . SURGEON GENERAL REVIEW OF EFFECT ON JUVENILES OF VIOLENCE IN MEDIA.

(a) FINDINGS.—The Congress finds the following:

(1) the tragic killings at a high school in Colorado remind us that violence in America continues to occur at unacceptable levels for a civilized society;

(2) the relationship of violent messages delivered through such popular media as television, radio, film, recordings, video games, advertising, the Internet, and other outlets of mass culture, to self-destructive or violent behavior by children or young adults towards themselves, such as suicide, or to violence directed at others, has been studied intensely both by segments of the media industry itself and by academic institutions;

(3) the same media used to deliver messages which harm our children can also be used to deliver messages which promote positive behavior;

(4) much of this research has occurred in the 17 years since the last major review and report of the literature was assembled by the National Institute on Mental Health published in 1982;

(5) the Surgeon General of the United States last issued a comprehensive report on violence and the media in 1972; and

(6) the number, pervasiveness, and sophistication of technological avenues for delivering messages through the media to young people has expanded rapidly since these 2 reports.

(b) COMPREHENSIVE REVIEW REQUIRED.—The Surgeon General, in cooperation with the National Institute of Mental Health, and such other sources of expertise as the Surgeon General deems appropriate, shall undertake a comprehensive review of published research, analysis, studies, and other sources of reliable information concerning the impact on the health and welfare of children and young adults of violent messages delivered through such popular media as television, radio, recordings, video games, advertising, the Internet, and other outlets of mass culture.

(c) REPORT.—The Surgeon General shall issue a report based on the review required by subsection (b). Such report shall include, but not be limited to, findings and recommendations concerning what can be done to mitigate any harmful affects on children and young adults from the violent messages described in such subsection, and the identification of gaps in the research that should be filled.

(d) DEADLINES.—The review required by subsection (b) shall be completed in no more than 1 year, and the report required by subsection (c) shall be issued no later than 6 months following completion of the review.

Page 1, after line 2, insert the following:

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Juvenile Justice Reform Act of 1999”.

Page 1, strike line 3 and insert the following:

## TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS

### SEC. 101. SHORT TITLE.

Page 1, line 4, strike “Act” and insert “title”.

Page 2, line 1, redesignate section 2 as section 102.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

## TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

### SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Juvenile Crime Control and Delinquency Prevention Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

#### TITLE II—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

Sec. 200. Short title; table of contents.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 201. Findings.

Sec. 202. Purpose.

Sec. 203. Definitions.

Sec. 204. Name of office.

Sec. 205. Concentration of Federal effort.

Sec. 206. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 207. Annual report.

Sec. 208. Allocation.

Sec. 209. State plans.

Sec. 210. Juvenile delinquency prevention block grant program.

Sec. 211. Research; evaluation; technical assistance; training.

Sec. 212. Demonstration projects.

Sec. 213. Authorization of appropriations.

Sec. 214. Administrative authority.

Sec. 215. Use of funds.

Sec. 216. Limitation on use of funds.

Sec. 217. Rule of construction.

Sec. 218. Leasing surplus Federal property.

Sec. 219. Issuance of Rules.

Sec. 220. Content of materials.

Sec. 221. Technical and conforming amendments.

Sec. 222. References.

#### SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 231. Runaway and homeless youth.

#### SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 241. Repealer.

#### SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Sec. 251. National center for missing and exploited children.

#### SUBTITLE E—STUDIES AND EVALUATIONS

Sec. 261. Study of school violence.

Sec. 262. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.

Sec. 263. Evaluation by General Accounting Office.

Sec. 264. General Accounting Office Report.

Sec. 265. Behavioral and social science research on youth violence.

#### SUBTITLE F—GENERAL PROVISIONS

Sec. 271. Effective date; application of amendments.

### Subtitle A—Amendments to Juvenile Justice and Delinquency Prevention Act of 1974

#### SEC. 201. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

#### “FINDINGS

“SEC. 101. (a) The Congress finds the following:

“(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ¼ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

“(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

“(A) quality prevention programs that—

“(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

“(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

“(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

“(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.”.

#### SEC. 202. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

#### “PURPOSES

“SEC. 102. The purposes of this title and title II are—

“(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

“(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

“(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.”.

#### SEC. 203. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking “to help prevent juvenile delinquency” and inserting “designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior”;

(2) in paragraph (4) by inserting “title I of” before “the Omnibus” each place it appears,

(3) in paragraph (7) by striking “the Trust Territory of the Pacific Islands,”,

(4) in paragraph (9) by striking “justice” and inserting “crime control”,

(5) in paragraph (12)(B) by striking “, of any nonoffender,”,



(6) in paragraph (13)(B) by striking “, any non-offender,”,

(7) in paragraph (14) by inserting “drug trafficking,” after “assault,”,

(8) in paragraph (16)—

(A) in subparagraph (A) by adding “and” at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking “and” at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

“(23) the term ‘boot camp’ means a residential facility (excluding a private residence) at which there are provided—

“(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

“(B) regular, remedial, special, and vocational education; and

“(C) counseling and treatment for substance abuse and other health and mental health problems;

“(24) the term ‘graduated sanctions’ means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

“(25) the term ‘violent crime’ means—

“(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

“(B) aggravated assault committed with the use of a firearm;

“(26) the term ‘co-located facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

“(27) the term ‘related complex of buildings’ means 2 or more buildings that share—

“(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

“(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.”.

#### SEC. 204. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

“PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION”,

(2) in section 201(a) by striking “Justice and Delinquency Prevention” and inserting “Crime Control and Delinquency Prevention”, and

(3) in subsections section 299A(c)(2) by striking “Justice and Delinquency Prevention” and inserting “Crime Control and Delinquency Prevention”.

#### SEC. 205. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking “and of the prospective” and all that follows through “administered”,

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking “and reports” and all that follows through “this part”, and inserting “as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency”,

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

#### SEC. 206. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

#### SEC. 207. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting “and” after “priorities,”, and

(B) by striking “, and recommendations of the Council”,

(2) by striking paragraphs (4) and (5), and inserting the following:

“(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.”, and

(3) by redesignating such section as section 206.

#### SEC. 208. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “amount, up to \$400,000,” and inserting “amount up to \$400,000”,

(II) by inserting a comma after “1992” the 1st place it appears,

(III) by striking “the Trust Territory of the Pacific Islands.”, and

(IV) by striking “amount, up to \$100,000,” and inserting “amount up to \$100,000”,

(ii) in subparagraph (B)—

(I) by striking “(other than part D)”,

(II) by striking “or such greater amount, up to \$600,000” and all that follows through “section 299(a) (1) and (3)”,

(III) by striking “the Trust Territory of the Pacific Islands.”,

(IV) by striking “amount, up to \$100,000,” and inserting “amount up to \$100,000”, and

(V) by inserting a comma after “1992”,

(B) in paragraph (3) by striking “allot” and inserting “allocate”, and

(2) in subsection (b) by striking “the Trust Territory of the Pacific Islands.”.

#### SEC. 209. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking “challenge” and all that follows through “part E”, and inserting “, projects, and activities”,

(B) in paragraph (3)—

(i) by striking “, which—” and inserting “that—”,

(ii) in subparagraph (A)—

(I) by striking “not less” and all that follows through “33”, and inserting “the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and”,

(II) by inserting “, in consultation with the attorney general of the State or such other

State official who has primary responsibility for overseeing the enforcement of State criminal laws” after “State”,

(III) in clause (i) by striking “or the administration of juvenile justice” and inserting “, the administration of juvenile justice, or the reduction of juvenile delinquency”,

(IV) in clause (ii) by striking “include—” and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

“represent a multidisciplinary approach to addressing juvenile delinquency and may include—

“(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

“(II) such other individuals as the chief executive officer considers to be appropriate; and”, and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking “justice” and inserting “crime control”,

(iv) in subparagraph (D)—

(I) in clause (i) by inserting “and” at the end,

(II) in clause (ii) by striking “paragraphs” and all that follows through “part E”, and inserting “paragraphs (11), (12), and (13)”, and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking “title—” and all that follows through “(ii)” and inserting “title.”,

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking “, other than” and inserting “reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding” after “section 222”, and

“(ii) in subparagraph (C) by striking “paragraphs (12)(A), (13), and (14)” and inserting “paragraphs (11), (12), and (13)”,

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting “, including in rural areas” before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking “for (i)” and all that follows through “relevant jurisdiction”, and inserting “for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State”,

(II) by striking “justice” the second place it appears and inserting “crime control”, and

(III) by striking “of the jurisdiction; (ii)” and all that follows through the semicolon at the end, and inserting “of the State; and”,

(ii) by amending subparagraph (B) to read as follows:

“(B) contain—

“(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

“(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

“(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in the such system who are in greatest need of such services services;”, and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

“(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;”;

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking “, specifically” and inserting “including”;

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) in subparagraph (C) by striking “juvenile justice” and inserting “juvenile crime control”;

(iv) by amending subparagraph (D) to read as follows:

“(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;”;

(iv) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking “juveniles, provided” and all that follows through “provides; and”, and inserting the following:

“juveniles—

“(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

“(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and”;

(v) by amending subparagraph (F) to read as follows:

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation;”;

(vi) by amending subparagraph (G) to read as follows:

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;”;

(vii) in subparagraph (H) by striking “handicapped youth” and inserting “juveniles with disabilities”;

(viii) by amending subparagraph (K) to read as follows:

“(K) boot camps for juvenile offenders;”;

(ix) by amending subparagraph (L) to read as follows:

“(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;”;

(x) by amending subparagraph (N) to read as follows:

“(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;”;

(xi) in subparagraph (O)—

(I) in striking “cultural” and inserting “other”; and

(II) by striking the period at the end and inserting a semicolon, and

(xii) by adding at the end the following:

“(P) programs designed to prevent and to reduce hate crimes committed by juveniles; and

“(Q) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities.”;

(I) by amending paragraph (12) to read as follows:

“(12) shall, in accordance with rules issued by the Administrator, provide that—

“(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

“(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

“(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

“(B) juveniles—

“(i) who are not charged with any offense; and

“(ii) who are—

“(I) aliens; or

“(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;”;

(J) by amending paragraph (13) to read as follows:

“(13) provide that—

“(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

“(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;”;

(K) by amending paragraph (14) to read as follows:

“(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

“(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

“(i) in which—

“(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

“(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

“(ii) that—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

“(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(C) juveniles who are accused of non-status offenses and who are detained in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

“(i) such jail or lockup—

“(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

“(II) has no existing acceptable alternative placement available;

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

“(iii) the juvenile has counsel, and the counsel representing such juvenile—

“(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

“(II) has an opportunity to present the juvenile’s position regarding the detention involved to the court before the court approves such detention;”;

“(iv) the court has an opportunity to hear from the juvenile before court approval of such placement; and

“(v) detaining such juvenile in accordance with this subparagraph is—

“(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

“(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention; and

“(III) for a period preceding the sentencing (if any) of such juvenile, but not to exceed a 20-day period;”;

(L) in paragraph (15)—

(i) by striking “paragraph (12)(A), paragraph (13), and paragraph (14)” and inserting “paragraphs (11), (12), and (13)”; and

(ii) by striking “paragraph (12)(A) and paragraph (13)” and inserting “paragraphs (11) and (12)”; and

(M) in paragraph (16) by striking “mentally, emotionally, or physically handicapping conditions” and inserting “disability”;

(N) by amending paragraph (19) to read as follows:

“(19) provide assurances that—

“(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

“(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

“(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken with-

out the written concurrence of the labor organization involved.”.

(O) in paragraph (22) by inserting before the semicolon, the following:

“; and that the State will not expend funds to carry out a program referred to in subparagraph (A), (B), or (C) of paragraph (5) if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted such recipient to the State agency”.

(P) by amending paragraph (23) to read as follows:

“(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system”.

(Q) by amending paragraph (24) to read as follows:

“(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

“(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

“(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

“(C) not later than 48 hours during which such juvenile is so held—

“(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

“(ii) such court shall conduct a hearing to determine—

“(I) whether there is reasonable cause to believe that such juvenile violated such order; and

“(II) the appropriate placement of such juvenile pending disposition of the violation alleged;”.

(R) in paragraph (25) by striking the period at the end and inserting a semicolon.

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

“(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

“(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.”. and

(2) by amending subsection (c) to read as follows:

“(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (23) of subsection (a) in any fiscal year beginning after September 30, 1999, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

“(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

“(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.”. and

(3) in subsection (d)—

(A) by striking “allotment” and inserting “allocation”, and

(B) by striking “subsection (a) (12)(A), (13), (14) and (23)” each place it appears and inserting “paragraphs (11), (12), (13), and (23) of subsection (a)”.

# **SEC. 210. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

## **“PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM**

### **“SEC. 241. AUTHORITY TO MAKE GRANTS.**

“The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

“(2) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

“(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

“(H) to provide services to juvenile with serious mental and emotional disturbances (SED) in need of mental health services;

“(3) projects which expand the use of probation officers—

“(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(B) to ensure that juveniles follow the terms of their probation;

“(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

“(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

“(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

“(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

“(8) projects which provide for an initial intake screening of each juvenile taken into custody—

“(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

“(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

“(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

“(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, private nonprofit agencies, and public recreation agencies offering services to juveniles;

“(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

“(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

“(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

“(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

“(16) projects which provide for—

“(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

“(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

“(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

“(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

“(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

“(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

“(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations; and

“(20) other activities that are likely to prevent juvenile delinquency.

#### “SEC. 242. ALLOCATION.

“Funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

#### “SEC. 243. ELIGIBILITY OF STATES.

“(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

“(1) An assurance that the State will use—  
“(A) not more than 5 percent of such grant, in the aggregate, for—

“(i) the costs incurred by the State to carry out this part; and

“(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

“(B) the remainder of such grant to make grants under section 244.

“(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

“(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

“(4) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

“(5) Such other information and assurances as the Administrator may reasonably require by rule.

“(b) APPROVAL OF APPLICATIONS.—

“(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an

application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

“(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

“(A)(i) the State submitted a plan under section 223 for such fiscal year; and

“(ii) such plan is approved by the Administrator for such fiscal year; or

“(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

#### “SEC. 244. GRANTS FOR LOCAL PROJECTS.

“(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State to carry out projects and activities described in section 241.

“(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

“(1) propose to carry out such projects in geographical areas in which there is—

“(A) a disproportionately high level of serious crime committed by juveniles; or

“(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

“(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

“(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

“(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

#### “SEC. 245. ELIGIBILITY OF ENTITIES.

“(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

“(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

“(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(3) A statement identifying the research (if any) such entity relied on in preparing such application.

“(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be el-

igible to receive any subsequent grant under such section to continue to carry out such project or activity.”.

#### SEC. 211. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

#### “PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

#### “SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

“(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

“(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

“(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

“(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

“(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

“(iv) successful efforts to prevent recidivism;

“(v) the juvenile justice system;

“(vi) juvenile violence;

“(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

“(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

“(ix) other purposes consistent with the purposes of this title and title I.

“(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

“(b) STATISTICAL ANALYSES.—The Administrator may—

“(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

“(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

“(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

“(e) INFORMATION DISSEMINATION.—The Administrator may—

“(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

“(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

“(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

**“SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

“(a) TRAINING.—The Administrator may—

“(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

“(b) TECHNICAL ASSISTANCE.—The Administrator may—

“(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

“(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.”.

**SEC. 212. DEMONSTRATION PROJECTS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

**“PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS**

**“SEC. 261. GRANTS AND PROJECTS.**

“(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

“(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

**“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

“The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

**“SEC. 263. ELIGIBILITY.**

“To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

**“SEC. 264. REPORTS.**

“Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.”.

**SEC. 213. AUTHORIZATION OF APPROPRIATIONS.**

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

- (1) by striking subsection (e), and
- (2) by striking subsections (a), (b), and (c), and inserting the following:

“(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—

(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, 2002, and 2003.

“(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

“(A) not more than 5 percent shall be available to carry out part A;

“(B) not less than 80 percent shall be available to carry out part B; and

“(C) not more than 15 percent shall be available to carry out part D.

“(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

“(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.”.

**SEC. 214. ADMINISTRATIVE AUTHORITY.**

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking “as are consistent with the purpose of this Act” and inserting “only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance”, and

(2) by adding at the end the following:

“(e) If a State requires by law compliance with the requirements described in paragraphs (1), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.”.

**SEC. 215. USE OF FUNDS.**

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking “may be used for”,

(B) in paragraph (1) by inserting “may be used for” after “(1)”, and

(C) by amending paragraph (2) to read as follows:

“(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.”.

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

**SEC. 216. LIMITATION ON USE OF FUNDS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210, is amended adding at the end the following:

**“SEC. 299F. LIMITATION ON USE OF FUNDS.**

“None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.”.

**SEC. 217. RULES OF CONSTRUCTION.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by section 216, is amended adding at the end the following:

**“SEC. 299G. RULES OF CONSTRUCTION.**

“Nothing in this title or title I shall be construed—

“(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

“(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.”.

**SEC. 218. LEASING SURPLUS FEDERAL PROPERTY.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216 and 217, is amended adding at the end the following:

**“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

“The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.”.

**SEC. 219. ISSUANCE OF RULES.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, and 218, is amended adding at the end the following:

**"SEC. 299I. ISSUANCE OF RULES.**

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title."

**SEC. 220. CONTENT OF MATERIALS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 210 and amended by sections 216, 217, 218, and 219, is amended by adding at the end the following:

**"SEC. 299J. CONTENT OF MATERIALS.**

"Materials produced, procured, or distributed using funds appropriated to carry out this Act, for the purpose of preventing hate crimes should be respectful of the diversity of deeply held religious beliefs and shall make it clear that for most people religious faith is not associated with prejudice and intolerance."

**SEC. 221. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376";

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93-415 (88 Stat. 1132-1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting

"Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

**SEC. 222. REFERENCES.**

In any Federal law (excluding this title and the Acts amended by this title), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

**Subtitle B—Amendments to the Runaway and Homeless Youth Act****SEC. 231. RUNAWAY AND HOMELESS YOUTH.**

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;"

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS FOR CENTERS AND SERVICES.—

"(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth."



(d) APPROVAL OF APPLICATIONS.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

**“SEC. 313. APPROVAL OF APPLICATIONS.**

“(a) IN GENERAL.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

“(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

“(2) which areas of such State have the greatest need for such services.

“(b) PRIORITY.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

“(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

“(2) eligible applicants that request grants of less than \$200,000.”.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the section heading, by striking “PURPOSE AND”;

(2) in subsection (a), by striking “(a)”;

(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting “, and the services provided to such youth by such project,” after “such project”.

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

**“SEC. 341. COORDINATION.**

“With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

“(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

“(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.”.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH,”;

(2) in subsection (a), by inserting “evaluation,” after “research,”; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) STUDY.—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

**“SEC. 345. STUDY**

“The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

“(1) in the case of sexual abuse, the relationship of the assaulter to the runaway; and

“(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.”

(j) ASSISTANCE TO POTENTIAL GRANTEEES.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(k) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

**“SEC. 381. REPORTS.**

“(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

“(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

“(A) alleviating the problems of runaway and homeless youth;

“(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

“(C) strengthening family relationships and encouraging stable living conditions for such youth; and

“(D) assisting such youth to decide upon a future course of action; and

“(2) in the case of projects funded under part B—

“(A) the number and characteristics of homeless youth served by such projects;

“(B) the types of activities carried out by such projects;

“(C) the effectiveness of such projects in alleviating the problems of homeless youth;

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

“(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

“(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

“(G) activities and programs planned by such projects for the following fiscal year.

“(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

“(1) the evaluations performed by the Secretary under section 386; and

“(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.”.

(l) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

**“SEC. 386. EVALUATION AND INFORMATION.**

“(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 384; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

“(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Sec-

retary's efforts to carry out evaluations, and to collect information, under this title.”.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

**“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

“(2) ALLOCATION.—

“(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

**“PART E—SEXUAL ABUSE PREVENTION PROGRAM**

**“SEC. 351. AUTHORITY TO MAKE GRANTS.**

“(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

“(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

“(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.”.

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

**“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

“With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

“(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

“(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.”.

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (l) of this section, the following:

**"SEC. 387. DEFINITIONS.**

"In this title:

"(1) **DRUG ABUSE EDUCATION AND PREVENTION SERVICES.**—The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) **HOME-BASED SERVICES.**—The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) **HOMELESS YOUTH.**—The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) **STREET-BASED SERVICES.**—The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexual exploitation;

"(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(IV) physical and sexual assault.

"(5) **STREET YOUTH.**—The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

"(6) **TRANSITIONAL LIVING YOUTH PROJECT.**—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) **YOUTH AT RISK OF SEPARATION FROM THE FAMILY.**—The term 'youth at risk of sep-

aration from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs."

(q) **REDESIGNATION OF SECTIONS.**—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) **TECHNICAL AMENDMENTS.**—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking "With" and all that follows through "the Secretary", and inserting "The Secretary"; and

(2) in section 344(a)(1), by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

**Subtitle C—Repeal of Title V Relating to Incentive Grants for Local Delinquency Prevention Programs**

**SEC. 241. REPEALER.**

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

**Subtitle D—Amendments to the Missing Children's Assistance Act**

**SEC. 251. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

(a) **FINDINGS.**—Section 402 of the Missing Children's Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) for 14 years, the National Center for Missing and Exploited Children has—

"(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children's Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50

States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center."

(b) **DEFINITIONS.**—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children."

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

“(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

“(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

“(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

“(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);

“(B) operate the official national resource center and information clearinghouse for missing and exploited children;

“(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

“(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

“(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

“(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

“(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

“(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

“(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, \$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

“(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

“(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year; and

“(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.”.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting “the Center and with” before “public agencies”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking “1997 through 2001” and inserting “2000 through 2003”.

# Subtitle E—Studies and Evaluations

## SEC. 261. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior,

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings,

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others, and

(4) give particular attention to such issues as—

(A) the perpetrators' early development, the relationship with their families, community and school experiences, and utilization of mental health services,

(B) the relationship between perpetrators and their victims,

(C) how the perpetrators gained access to firearms,

(D) the impact of cultural influences and exposure to the media, video games, and the Internet, and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, \$2.1 million shall be made available to carry out this section.

## SEC. 262. STUDY OF THE MENTAL HEALTH NEEDS OF JUVENILES IN SECURE OR NON-SECURE PLACEMENTS IN THE JUVENILE JUSTICE SYSTEM.

(a) STUDY.—The Administrator of the Office of Juvenile Crime Control and Delinquency Prevention, in collaboration with the National Institute of Mental Health, shall conduct a study that includes, but is not limited to, all of the following:

(1) Identification of the scope and nature of the mental health problems or disorders of—

(A) juveniles who are alleged to be or adjudicated delinquent and who, as a result of such status, have been placed in secure detention or confinement or in nonsecure residential placements, and

(B) juveniles on probation after having been adjudicated delinquent and having received a disposition as delinquent.

(2) A comprehensive survey of the types of mental health services that are currently being provided to such juveniles by States and units of local government.

(3) Identification of governmental entities that have developed or implemented model or promising screening, assessment, or treatment programs or innovative mental health delivery or coordination systems, that address and meet the mental health needs of such juveniles.

(4) A review of the literature that analyzes the mental health problems and needs of juveniles in the juvenile justice system and that documents innovative and promising models and programs that address such needs.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Congress, and broadly disseminate to individuals and entities engaged in fields that provide services for the benefit of juveniles or that make policy relating to juveniles, a report containing the results of the study conducted under subsection (a) and documentation identifying promising or innovative models or programs referred to in such subsection.

## SEC. 263. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(2) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered through grants by Office of Juvenile Justice and Delinquency Prevention.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exist to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends, developments, or emerging conditions that are

likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(16) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public.

#### SEC. 264. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of this Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of all of the after-school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCAs, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and nonprofit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after-school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after-school programs.

(5) For each State, a description of barriers to improving the quality and availability of after-school programs.

(6) A list of activities, other than after-school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(7) An analysis of the value of the activities listed pursuant to paragraph (6) to the well-being and educational development of students in kindergarten through grade 12.

#### SEC. 265. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and non-governmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) FUNDING.—There is authorized to be appropriated, \$5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant

existing funding for behavioral research activities at the National Institutes of Health.

#### Subtitle F—General Provisions

#### SEC. 271. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to fiscal years beginning after September 30, 1999.

Amend the title so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes."

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

#### SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "and", and

(3) by adding at the end the following:

"(P) programs that provide for improved security at schools and on school grounds, including the placement and use of metal detectors and other deterrent measures."

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

#### SEC. 3. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking "and" at the end,

(2) in subparagraph (O) by striking the period at the end and inserting "and", and

(3) by adding at the end the following:

"(P)(i) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained; or

"(ii) programs to promote or develop partnerships with established mentoring programs, including programs operated by non-profit, faith-based, business, or community organizations to provide positive adult role models and meaningful activities for juveniles offenders, including violent juvenile offenders."

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

#### SEC. \_\_\_\_ AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

“(10) DISCIPLINE WITH REGARD TO WEAPONS.—

“(A) AUTHORITY OF SCHOOL PERSONNEL.—Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

“(C) FREE APPROPRIATE PUBLIC EDUCATION.—

“(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

“(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

“(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

“(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

“(D) RELATIONSHIP TO OTHER REQUIREMENTS.—

“(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

“(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.”.

(b) CONFORMING AMENDMENTS.—(1) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking “Whenever” and inserting the following: “Except as provided in section 615(k)(10), whenever”.

(2) Section 615(k)(1)(A)(ii) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is amended by striking “but for not more than 45 days if—” and all that follows through “(II) the child knowingly possesses or uses illegal drugs” and inserting “but for not more than 45 days if the child knowingly possesses or uses illegal drugs”.

Page 4, line 18, strike, “and”.

Page 4, line 21, strike the period and insert a semicolon.

Page 4, after line 21, insert the following:

“(14) establishing partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and

incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

“(15) implementing other activities that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

# **TITLE —CHILDREN'S INTERNET PROTECTION**

## **SEC. 01. SHORT TITLE.**

This title may be cited as the “Children's Internet Protection Act”.

## **SEC. 02. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS.**

(a) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end thereof the following:

“(1) IMPLEMENTATION OF AN INTERNET FILTERING OR BLOCKING TECHNOLOGY.—

“(1) IN GENERAL.—An elementary school, secondary school, or library that fails to provide the certification required by paragraph (2) or (3), respectively, is not eligible to receive or retain universal service assistance provided under subsection (h)(1)(B).

“(2) CERTIFICATION FOR SCHOOLS.—To be eligible to receive universal service assistance under subsection (h)(1)(B), an elementary or secondary school shall certify to the Commission that it has—

“(A) selected a technology for computers with Internet access to filter or block—

“(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

“(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

“(iii) during use by minors, materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

“(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

“(3) CERTIFICATION FOR LIBRARIES.—To be eligible to receive universal service assistance under subsection (h)(1)(B), a library shall certify to the Commission that it has—

“(A) selected a technology for computers with Internet access to filter or block—

“(i) child pornographic materials, which shall have the meaning of that term as used in sections 2252, 2252A, 2256 of title 18, United States Code;

“(ii) obscene materials, which shall have the meaning of that term as used in section 1460 of title 18, United States Code; and

“(iii) during use by minors, materials deemed to be harmful to minors, which shall have the meaning of that term as used in section 231 of the Communications Act of 1934 (47 U.S.C. 231); and

“(B) installed, or will install, and uses or will use, as soon as it obtains computers with Internet access, a technology to filter or block such material.

“(4) TIME FOR CERTIFICATION.—The certification required by paragraph (2) or (3) shall be made within 30 days of the date that rules are promulgated by the Federal Communications Commission, or, if later, within 10 days of the date on which any computer with access to the Internet is first made available in the school or library for its intended use.

“(5) NOTIFICATION OF CESSATION; ADDITIONAL INTERNET-ACCESSING COMPUTER.—

“(A) CESSATION.—A school or library that has filed the certification required by paragraph (3)(A) shall notify the Commission within 10 days after the date on which it ceases to use the filtering or blocking technology to which the certification related.

“(B) ADDITIONAL INTERNET-ACCESSING COMPUTER.—A school or library that has filed the certification required by paragraph (3)(B) that adds another computer with Internet access intended for use by the public (including minors) shall make the certification required by paragraph (3)(A) within 10 days after that computer is made available for use by the public.

“(6) POSTING OF NOTICE.—A school or library that has filed a certification under paragraph (2) or (3) shall post within view of the computers which are the subject of that certification a notice that contains—

“(A) a copy of the filter or block certification;

“(B) a statement of such school's or library's filtering or block policy; and

“(C) information on the specific block technology in use.

“(7) PENALTY FOR FAILURE TO COMPLY.—A school or library that fails to meet the requirements of this subsection is liable to repay immediately the full amount of all universal service assistance the school or library received under subsection (h)(1)(B) after the date the failure began.

“(8) LOCAL DETERMINATION OF MATERIAL TO BE FILTERED.—For purposes of paragraphs (2) and (3), the determination of what material is to be deemed harmful to minors shall be made by the school, school board, library or other authority responsible for making the required certification. No agency or instrumentality of the United States Government may—

“(A) establish criteria for making that determination;

“(B) review the determination made by the certifying school, school board, library, or other authority; or

“(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

“(9) NO PREEMPTION OR OTHER EFFECT.—Nothing in this subsection shall be construed—

“(A) to preempt, supersede, or limit any requirements that imposed by a school or library, or by a political authority for a school or library, that are more stringent than the requirements of this subsection; or

“(B) to supersede or limit otherwise applicable Federal or State child pornography or obscenity laws.”.

(b) CONFORMING CHANGE.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking “All telecommunications” and inserting “Except as provided by subsection (1), all telecommunications”.

## **SEC. 03. FCC TO ADOPT RULES WITHIN 4 MONTHS.**

The Federal Communications Commission shall adopt rules implementing section 254(1) of the Communications Act of 1934 (as added by this Act) within 120 days after the date of enactment of this Act.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

# **TITLE —TEACHER LIABILITY PROTECTION**

## **SEC. 01. SHORT TITLE.**

This title may be cited as the “Teacher Liability Protection Act of 1999”.

## **SEC. 02. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire

and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

### SEC. 03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

### SEC. 04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

### SEC. 05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount

of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

### SEC. 06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

### SEC. 07. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

### SEC. 3. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2002, the Comptroller General of the United States shall conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention, its functions, its programs, and its grants under specified criteria, and shall submit the report required by subsection (b). In conducting the analysis and evaluation, the Comptroller General



shall take into consideration the following factors to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.):

(1) The outcome and results of the programs carried out by the Office of Juvenile Justice and Delinquency Prevention and those administered through grants by Office of Juvenile Justice and Delinquency Prevention.

(2) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Pub. Law 103-62; 107 Stat. 285).

(3) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(4) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(5) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(6) Whether less restrictive or alternative methods exists to carry out the functions of the agency. Whether present functions or operations are impeded or enhanced by existing, statutes, rules, and procedures.

(7) The number and types of beneficiaries or persons served by programs carried out under the Act.

(8) The extent to which any trends or emerging conditions that are likely to affect the future nature and the extent of the problems or needs the programs carried out by the Act are intended to address.

(9) The manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency.

(10) Whether the agency has worked to enact changes in the law intended to benefit the public as a whole rather than the specific businesses, institutions, or individuals the agency regulates or funds.

(11) The extent to which the agency grants have encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(12) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(13) The impact of any regulatory, privacy, and paperwork concerns resulting from the programs carried out by the agency.

(14) The extent to which the agency has coordinated with state and local governments in performing the functions of the agency.

(15) Whether greater oversight is needed of programs developed with grants made by the Office of Juvenile Justice and Delinquency Prevention.

(16) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(b) REPORT.—The report required by subsection (a) shall—

(1) include recommendations for legislative changes, as appropriate, based on the evaluation conducted under subsection (a), to be made to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), and

(2) shall be submitted, together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and made available to the public, not later than October 1, 2003.

#### SEC. 4. CONTINGENT WIND-DOWN AND REPEAL OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

If funds are not authorized before October 1, 2004, to be appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611–5676) for fiscal year 2005, then—

(1) effective October 1, 2004—

(A) sections 205, 206, and 299, and

(B) parts B, C, D, E, F, G, H, and I,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed, and

(2) effective October 1, 2005—

(A) the 1st section, and

(B) titles I and II,

of the Juvenile Justice and Delinquency Prevention Act of 1974 are repealed.

The question being put, viva voce,

Will the House agree to the following amendment (the EMERSON amendment) on which a separate vote had been demanded?

Add at the end the following:

#### SEC. \_\_\_\_ SENSE OF THE CONGRESS WITH REGARD TO VIOLENCE AND THE ENTERTAINMENT INDUSTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Incidents of tragic school violence have risen over the past few years.

(2) Our children are being desensitized by the increase of gun violence shown on television, movies, and video games.

(3) According to the American Medical Association, by the time an average child reaches age 18, he or she has witnessed more than 200,000 acts of violence on television, including 16,000 murders.

(4) Children who listen to explicit music lyrics, play video "killing" games, or go to violent action movies get further brainwashed into thinking that violence is socially acceptable and without consequence.

(5) No industry does more to glorify gun violence than some elements of the motion picture industry.

(6) Children are particularly susceptible to the influence of violent subject matter.

(7) The entertainment industry uses wanton violence in its advertising campaigns directed at young people.

(8) Alternatives should be developed and considered to discourage the exposure of children to violent subject matter.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the entertainment industry—

(1) has been irresponsible in the development of its products and the marketing of those products to America's youth;

(2) must recognize the power and influence it has over the behavior of our Nation's youth; and

(3) must do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music, and video games.

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. COBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 355  
affirmative ..... Nays ..... 68

¶66.26

[Roll No. 231]

YEAS—355

Abercrombie	Ehrlich	Lewis (KY)
Ackerman	Emerson	Linder
Aderholt	Engel	Lipinski
Allen	English	LoBiondo
Andrews	Etheridge	Lofgren
Archer	Evans	Lowey
Armey	Everett	Lucas (KY)
Bachus	Ewing	Lucas (OK)
Baird	Fletcher	Luther
Baker	Forbes	Maloney (CT)
Baldacci	Ford	Maloney (NY)
Ballenger	Fossella	Manzullo
Barcia	Fowler	Markey
Barr	Franks (NJ)	Mascara
Barrett (NE)	Frelinghuysen	Matsui
Barrett (WI)	Gallegly	McCarthy (NY)
Bartlett	Ganske	McCollum
Barton	Gejdenson	McCrery
Bass	Gekas	McHugh
Bateman	Gibbons	McInnis
Bentsen	Gilchrest	McIntosh
Bereuter	Gillmor	McIntyre
Berry	Gilman	McKeon
Biggert	Gonzalez	McNulty
Bilbray	Goode	Meehan
Bilirakis	Goodlatte	Menendez
Bishop	Goodling	Metcalf
Blagojevich	Gordon	Mica
Bliley	Goss	Miller (FL)
Blunt	Graham	Miller, Gary
Boehlert	Granger	Mink
Boehner	Green (TX)	Moakley
Bonilla	Green (WI)	Mollohan
Bonior	Greenwood	Moore
Borski	Gutierrez	Moran (KS)
Boswell	Gutknecht	Moran (VA)
Boucher	Hall (OH)	Morella
Boyd	Hall (TX)	Murtha
Brady (PA)	Hansen	Myrick
Brady (TX)	Hastings (WA)	Nadler
Brown (FL)	Hayes	Neal
Brown (OH)	Hayworth	Nethercutt
Bryant	Hefley	Ney
Burr	Herger	Northup
Burton	Hill (IN)	Norwood
Buyer	Hill (MT)	Nussle
Callahan	Hilleary	Oberstar
Calvert	Hilliard	Obey
Camp	Hinchey	Ortiz
Campbell	Hinojosa	Oxley
Canady	Hobson	Packard
Cannon	Hoeffel	Pallone
Capps	Hoekstra	Pascrell
Castle	Holden	Pastor
Chabot	Holt	Pease
Chambliss	Hooley	Peterson (MN)
Clayton	Horn	Peterson (PA)
Clement	Hostettler	Petri
Coble	Hoyer	Phelps
Coburn	Hunter	Pickering
Collins	Hyde	Pickett
Combest	Inslee	Pitts
Condit	Isakson	Pombo
Cook	Istook	Pomeroy
Cooksey	Jefferson	Porter
Costello	Jenkins	Portman
Coyne	John	Price (NC)
Cramer	Johnson (CT)	Pryce (OH)
Crane	Johnson, E. B.	Quinn
Crowley	Johnson, Sam	Radanovich
Cubin	Jones (NC)	Rahall
Cunningham	Kanjorski	Ramstad
Danner	Kaptur	Regula
Davis (FL)	Kasich	Reyes
Davis (IL)	Kelly	Reynolds
Davis (VA)	Kildee	Riley
Deal	Kind (WI)	Rivers
DeFazio	King (NY)	Rodriguez
DeGette	Kingston	Roemer
DeLauro	Kleccka	Rogers
DeLay	Knollenberg	Rohrabacher
DeMint	Kolbe	Ros-Lehtinen
Deutsch	Kuykendall	Rothman
Diaz-Balart	LaFalce	Roukema
Dickey	LaHood	Royce
Dicks	Lampson	Ryan (WI)
Doggett	Lantos	Ryun (KS)
Doolittle	Largent	Sabo
Doyle	Larson	Sanchez
Dreier	Latham	Sanders
Duncan	LaTourette	Sandin
Dunn	Lazio	Sanford
Edwards	Leach	Sawyer
Ehlers	Levin	Saxton